

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

UNITED STATES OF AMERICA

V.

CHRISTOPHER BRANNAN,

Defendant.

Criminal No. 3:18CR-118-001-HEH

DEFENDANT'S POSITION ON SENTENCING

COMES NOW the Defendant, Christopher Brannan, by his counsel Abraham Del Rio, III, and respectfully submits his position with respect to sentencing. It is hoped that this document will set forth the reasons and the factors this Honorable Court should consider in determining a sentence for Christopher Brannan that is “sufficient, but not greater than necessary” to satisfy the goals of sentencing outlined in 18 U.S.C. § 3553(a)(2). Mr. Brannan has received and reviewed the Presentence Investigation Report (PSR) and has no objections to that Report. Mr. Brannan concurs with the PSR in its calculation for a guideline range of 10-16 months’ incarceration on Count One, and 24 months’ consecutive incarceration on Count Two.

Pursuant to his plea agreement with the United States and Rule 11(c)(1)(B) of the Federal Rules of Criminal Procedure, the Defendant and the United States are requesting this Honorable Court impose a sentence at the low end of the guideline range of 34 months' incarceration.

BACKGROUND

On October 22, 2018, Mr. Brannan appeared before the Honorable Henry E. Hudson, United States District Court Judge, and pled guilty to a two count criminal information charging him with Unauthorized Access to a Computer to Obtain Information from a Protected Computer,

in violation of 18 U.S.C. § 1030(a)(2)(C) and 1030(c)(2)(B)(ii) and (iii), and Aggravated Identity Theft, in violation of 18 U.S.C. § 1028A(a)(1).

Mr. Brannan adopts and incorporates by reference in this document the offense conduct set forth in paragraph No. 8 of the PSR.

Mr. Brannan has admitted his wrongdoing in his court proceedings and reaffirmed his admission of guilt and acceptance of responsibility to United States Probation Officer Susan Hushour.

ARGUMENT

United States v. Booker, 543 U.S. 220 (2005), mandates the Federal Sentencing Guidelines be advisory and that court of appeals must review sentences for reasonableness. *See United States v. Hughes*, 401 F.3d. 540, 546-47 (4th Cir. 2005). “It has been uniform and constant in the federal judicial tradition for the sentencing judge to consider every convicted person as an individual and every case as a unique study in the human failings that sometimes mitigate, sometimes magnify, the crime and the punishment to ensue.” United States v. Heath, 553 F.3d 263, 267 (4th Cir. 2009) (citing Gall v. United States, 552 U.S. 38, 52 (2007)). The Court must determine an appropriate sentence after considering the factors outlined in 18 U.S.C. § 3553(a).

1. Nature and Circumstances of the Offense

Mr. Brannan’s knowingly and illegally hacked into several victims’ internet and email accounts over the course of 13 months. PSR¶ 8. Once in possession of the victims’ private information, Mr. Brannan would often trade user names and passwords with other individuals. PSR¶ 8. On December 19, 2014, Mr. Brannon was interviewed by FBI agents, during which Mr. Brannan admitted to committing the instant offenses and provided details as to how he

committed the offense. PSR¶ 17. As of the date of filing of the PSR, the Government indicated that they had notified all known victims affected by the instant offense and provided them with the opportunity to submit restitution claims; there is no known financial loss attributable to the defendant's activities. PSR¶ 19.

2. History and Characteristics of the Defendant

Christopher Brannan is a 31-year-old male born in Henrico County. He has no prior criminal convictions.

Mr. Brannan was raised by both his parents, who divorced when Mr. Brannan was a toddler. Notwithstanding the divided households, Mr. Brannan was well treated by both parents, was not subjected to any drug, alcohol, or physical abuse, and participated in extracurricular activities. PSR¶ 45. Mr. Brannan went on to attend and graduate from Christopher Newport University and subsequently from University of Mary Washington in 2012 with a Master's degree in Education. Mr. Brannan has several family members that live in the greater Richmond, Virginia area. PSR¶ 46.

Throughout this ordeal, Mr. Brannan has sought and continually utilized the services of a licensed therapist in Henrico County, Virginia beginning approximately March 2017. PSR¶ 51. Said therapist reports positive progress and a marked improvement in Mr. Brannan. PSR Add. 9.

Mr. Brannan also provided an additional letter to Probation Officer Susan Hushour detailing his experience in this ordeal and providing an insight as to how he has assimilated this experience and how he appreciates and takes full responsibility for his actions. PSR¶ 52.

3. Need to Promote Respect for the Law and Afford Adequate Deterrence

Mr. Brannan came before this court without any criminal record. PSR¶ 36-39 He now comes before the court a convicted felon. His ability to utilize his master's degree in education is

